

**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

| | | |
|---|---|----------------------------|
| MARY BARANCZYK, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | |
| |) | |
| LIGHTHOUSE RECOVERY ASSOCIATES, LLC, |) | JURY TRIAL DEMANDED |
| |) | |
| Defendant. |) | |

COMPLAINT

NOW COMES the Plaintiff, MARY BARANCZYK, by and through her attorneys, LARRY P. SMITH & ASSOCIATES, LTD., and for her complaint against the Defendant, LIGHTHOUSE RECOVERY ASSOCIATES, LLC, Plaintiff states as follows:

I. PRELIMINARY STATEMENT

1. This is an action for actual and statutory damages for violations of the Fair Debt Collection Practices Act (hereinafter “FDCPA”), 15 U.S.C. §1692, et seq.

II. JURISDICTION & VENUE

2. Jurisdiction arises under the FDCPA, 15 U.S.C. §1692 et seq., and pursuant to 28 U.S.C. §1331 and 28 U.S.C. §1337.

3. Venue is proper in this district pursuant to 28 U.S.C. §1391(b).

III. PARTIES

4. MARY BARANCZYK, (hereinafter, “Plaintiff”) is an individual who was at all relevant times residing in the City of St. Paul, County of Ramsey, State of Minnesota.

5. LIGHTHOUSE RECOVERY ASSOCIATES, LLC, (hereinafter, “Defendant”) is a business entity engaged in the collection of debt within the State of Minnesota. Defendant is incorporated in the State of Colorado.

6. In its dealings with Plaintiff, Defendant held itself out as being a company collecting a debt allegedly owed by Plaintiff.

7. At all relevant times, Plaintiff was a “consumer” as that term is defined by 15 U.S.C. §1692a(3).

8. At all relevant times, Defendant acted as a debt collector as that term is defined by 15 U.S.C. §1692a(6).

IV. ALLEGATIONS

9. On or about March 26, 2010, Plaintiff received a telephone call from James, a duly authorized representative of Defendant, who was calling to collect a debt allegedly owed by Plaintiff.

10. The debt allegedly owed by Plaintiff was incurred primarily for personal, family, or household services.

11. During the aforementioned telephone call, Defendant stated that Plaintiff had to call Defendant back regarding a “pretty important” matter. Defendant further stated that it was “expecting a call today” from Plaintiff.

12. On or about March 27, 2010, Plaintiff received another telephone call from Defendant who was calling in a further attempt to collect a debt allegedly owed by Plaintiff.

13. During the aforementioned telephone call, Defendant stated that Defendant had an “important message” for Plaintiff.

14. During the aforementioned telephone call, Defendant failed to identify itself to Plaintiff.

15. During the course of its telephone calls with Plaintiff, Defendant failed to advise Plaintiff that it was a debt collector, that it was attempting to collect a debt and that any information obtained would be used for that purpose.

16. In its attempts to collect the debt allegedly owed by Plaintiff, Defendant violated the FDCPA, 15 U.S.C. §1692, in one or more of the following ways:

- a. Engaged in conduct the natural consequence of which is to harass, oppress or abuse any person in connection with the collection of a debt in violation of 15 U.S.C. §1692d;
- b. Placed a telephone call to a consumer without meaningful disclosure of the caller's identity in violation of 15 U.S.C. §1692d(6);
- c. Used false, deceptive, misleading and unfair or unconscionable means to collect or attempt to collect an alleged debt in violation of 15 U.S.C. §1692e;
- d. Failed to disclose in communications that said communication was from a debt collector and that any information obtained during the communication will be used for the purpose of collecting a debt in violation of 15 U.S.C. §1692e(11); and,
- e. Was otherwise deceptive and failed to comply with the provisions of the FDCPA.

17. As a result of Defendant's violations as aforesaid, Plaintiff has suffered, and continues to suffer, personal humiliation, embarrassment, mental anguish and emotional distress.

V. JURY DEMAND

18. Plaintiff hereby demands a trial by jury on all issues so triable.

VI. PRAYER FOR RELIEF

WHEREFORE, Plaintiff, MARY BARANCZYK, by and through her attorneys, respectfully prays for judgment as follows:

- a. All actual compensatory damages suffered;
- b. Statutory damages of \$1,000.00;
- c. Plaintiff's attorneys' fees and costs;
- d. Any other relief deemed appropriate by this Honorable Court.

Respectfully submitted,
MARY BARANCZYK

By: s/ Seamus Flaherty
Attorney for Plaintiff

Dated: June 30, 2010

Seamus Flaherty (Atty No. 0390702)
LARRY P. SMITH & ASSOCIATES, LTD.
205 North Michigan Avenue, 40th Floor
Chicago, IL 60601
Telephone: (888) 595-9111 (x815)
Facsimile: (888) 418-1277
E-Mail: sflaherty@smithlaw.us